

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 98-423-C - ORDER NO. 98-740
SEPTEMBER 25, 1998

IN RE: Petition of Telephone Company of Central)	ORDER DISMISSING
Florida (TCCF) for Arbitration of Resale)	PETITION FOR
Agreement with BellSouth)	ARBITRATION
Telecommunications, Inc., Pursuant to the)	
Telecommunications Act of 1996.)	

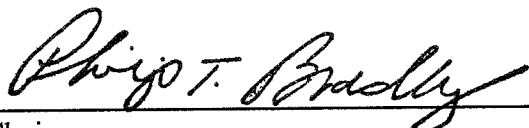
This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition for Arbitration of Resale Agreement with BellSouth Telecommunications, Inc.(BellSouth) filed by the Telephone Company of Central Florida (TCCF). BellSouth filed a Response to the Petition. For the reasons stated below, we must dismiss the Petition for lack of jurisdiction.

It appears from the materials received that BellSouth and TCCF entered into a two-year resale agreement on May 23, 1996. The parties began renegotiating this agreement on March 3, 1998. Pursuant to the Telecommunications Act of 1996, when parties cannot successfully negotiate a resale agreement, either party may petition a State Commission for arbitration of unresolved issues between the 135th and 160th day from the date that a request for negotiation was received. A non-petitioning party to a negotiation under the Act may respond to the other party's petition and provide such additional information as it desires within 25 days after the State Commission receives the Petition for Arbitration.

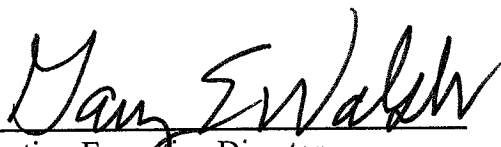
As was stated, the parties began renegotiating this agreement on March 3, 1998. Although we are certain that this date was some time after the actual request for negotiation was received, we will consider this date as the touchstone date for receipt by BellSouth of the actual request for negotiation. Under the rule stated above, TCCF had between July 16, 1998 and August 10, 1998 to petition this Commission for arbitration of unresolved issues. We note that the date on the actual Petition for Arbitration is August 19, 1998. The Petition was not even received by the Commission until August 31, 1998. Therefore, under any theory, TCCF failed to petition the Commission for arbitration within the statutorily designated time "window." For this reason, we are without jurisdiction to consider the Petition for Arbitration. The Petition is therefore dismissed.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Acting Executive Director

(SEAL)